

## **NOTICE • NOTICE • NOTICE • NOTICE • NOTICE**

STARTING WITH THE 12/1/08 CALENDAR, A **“SECOND CHECK” WILL NO LONGER BE CONDUCTED.** ONLY ONE EXAMINATION OF THE FILES WILL BE MADE APPROXIMATELY TWO WEEKS PRIOR TO THE HEARING. THESE NOTES REPRESENT THE STATUS OF THE FILE AT THAT TIME. ANY LATER DOCUMENTS WILL NOT BE REVIEWED BY THE PROBATE EXAMINERS PRIOR TO THE HEARING.

## **NOTICE • NOTICE • NOTICE • NOTICE • NOTICE**

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All corrections to notes on this calendar should be filed no later than 12 P.M. (Noon) on 11/19/08. **Document filed after this time may not be reviewed prior to hearing and could result in a continuance of your case.** The update to these notes will be posted in the late afternoon of the following day.

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The Probate Examiners can be reached at [ProbateNotes@courts.sbcounty.gov](mailto:ProbateNotes@courts.sbcounty.gov). Emails must have the case identification information and hearing time/date in the subject line. Probate Examiners can only respond to inquiries regarding the meaning of comments in the notes. ***PLEASE DO NOT SEND EMAILS TO STATE THAT DOCUMENTS HAVE BEEN FILED, TO REQUEST A CONFIRMATION OF WHETHER DOCUMENTS HAVE BEEN RECEIVED, OR TO REQUEST THE CLEARING OF NOTES.*** No legal or procedural advice may be given.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **PROBATE**

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0600013

CASE NAME: EST OF NATHANIEL YOUNG JR

HEARING:  
Accounting Review

COUNSEL:  
CHARLENE GARCIA (PET)...SHERRI L KASTILAHN  
NATHANIEL YOUNG JR (DEC)...

GENERAL INFORMATION:

Continued from **1/31/08**.

Continued from **4/2/08** – counsel reported that the home was lost to foreclosure.

Continued from **6/18/08** – counsel attempting to get info from CountryWide.

**Continued from 8/6/08 and 10/8/08 at request of counsel. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of Administration issued 11/27/06
2. No accounting or status report is filed.
3. On 4/2/08, counsel reported that the home was lost to foreclosure. Appears from I&As that this was the only estate asset.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

(gls/abs/abs/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR  
HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0700069

CASE NAME: JOHN TOSETTI

HEARING:  
Accounting Review

COUNSEL:  
HEATHER J CUNNINGHAM (PET)...LAW OFFICES OF KEVIN G RICE &  
JOHN TOSETTI (DEC)...  
JAMES L LEESTMA, ESQ (TP )...JAMES L LEESTMA

#### GENERAL INFORMATION

Continued from **6/11/08** as counsel reported estate's only asset is real property that is currently appraised for less than loan amount. Court instructed counsel to file a written status report.

Continued from **8/20/08**. No appearance but the court recognized that a written status report had been filed. Clerk mailed notice.

**Continued from 10/15/08. No appearance, but the court recognized that a supplemental was filed. Clerk mailed notice. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Accounting review.

#### THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 4/4/07, no bond.
2. In her probate status report, representative reports that the estate real property is in very bad condition, that the property has been listed for sale, and that if the property cannot be sold in 60-90 days it will be distributed in kind. (which will leave no cash for payment of costs and fees).
3. Need notice of hearing and proof of service (including language set forth at Pr.C. 12201(b) advising the recipients of their right to petition to compel an accounting).

#### RECOMMENDATION

Need notice then court's discretion. If approved, set an accounting/status review for 4/15/08 (six months).

(Abs/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0700363

CASE NAME: EMMITT JONES SR

HEARING:  
Accounting Review

	COUNSEL:
SHIRLEY M JONES	(PET)...WELCH DACRE & ASSOCIATES, P.C.
EMMITT JONES SR	(DEC)...
EVA JONES	(TP )...ROBERT LEWIS RAUPP

GENERAL INFORMATION:

Letters Testamentary issued 7/26/07 (full authority, no bond)

Continued from **10/2/08**. Nothing new filed.

**Continued from 10/22/08 at request of counsel. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed.

RECOMMENDATION:

Find out status.

(gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0700507

CASE NAME: VANCIE LURUTH BELCHER

HEARING:  
Accounting Review

COUNSEL:  
JEFFERY D FITZPATRICK II (PET)...CLINTON T IRVIN  
VANCIE LURUTH BELCHER (DEC)...

GENERAL INFORMATION

Continued from 9/17/08. No appearance.

**Continued from 10/22/08 at request of counsel. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON  
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted on 7/11/07, no bond.
2. Need accounting or probate status report.

RECOMMENDATION

When the personal representative does not file an accounting or report as required, the court shall take action as specified in Pr.C. § 11050 et seq.  
(Abs/gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0701047

CASE NAME: MTR ABEL A GONZALES

HEARING:

Petition for ORDER AUTHORIZING PAYMENT OF EXTRAORDINARY  
COMPENSATION

COUNSEL:

CHRISTINE RAMEY	(PET)...HARTNELL LISTER & MOORE
ABEL A GONZALES	(DEC)...
SENNI GONZALES	(MIN)...MELVIN L FRIEDLAND
BITIA GONZALES	(MIN)...MELVIN L FRIEDLAND
JEFFREY C MAYES	(PET)...MAYES LAW OFFICES
MIA J GONZALES	(OBJ)...SAMUELS, GREEN, STEEL, & ADAMS,
MELVIN L FRIEDLAND	(MELVIN L FRIEDLAND )...MELVIN L

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for extraordinary fees by prior counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Special administration was granted to Christine Ramey (decedent's sister) on 11/6/07, \$160,000 bond.
2. The matter of general letters has been put over on several occasions pending the adjudication of whether decedent's wife (who is named in the will as the executor) was guilty of murdering decedent. Also, an objection to the probate petition was filed by the surviving spouse. A Pr.C. 850 petition by the sister/special administrator is also pending. All matters are set for a 1/29/09 readiness hearing and 2/3/09 trial.
3. Atty Jeffrey Mayes represented special administrator from the time of filing of the original petitions, through the filing of the Pr.C. 850 petition, and until 7/31/08 when Mayes substituted out and atty Richard Lister substituted in for the special administrator.

4. Atty Mayes now seeks \$25,635 extraordinary fees and \$1,608.50 reimbursement of costs for the period counsel represented the special administrator. Claimed tasks include work re the contested appointment of special administrator and litigation to recover estate property. Attys bill at \$395/hr and \$225/hr and paralegal at \$160/hr. Concerns (need verified supplement):
  - a. The total hours spent by each biller is not provided.
  - b. On what basis does counsel seek fees at this time? There has not yet been a general appointment. Moreover, the Pr.C. 850 petition for which counsel bills has not been decided and therefore it cannot be established to what extent the work benefited the estate. Typically, extraordinary fees are not awarded until the conclusion of the administration. P&As re obtaining extraordinary fees by prior counsel at this stage are invited.
5. No opposition has been filed as of date of review.

#### RECOMMENDATION

Need to clear notes.

abs

#### FUTURE HEARING DATES:

1/29/09 Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

1/29/09 Readiness Calendar

1/29/09 Petition for Determination of Ownership of Estate Property

2/03/09 Court Trial set for Petition for Probate of Christine Ramey

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0701111

CASE NAME: JUDY ANNE HOLLINGTON

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

KELLY WILLIAM MARLOW (PET)...PRO/PER  
JUDY ANNE HOLLINGTON (DEC)...

GENERAL INFORMATION

Letters of Administration issued 1/9/08 (full authority, no bond)

Continued from **9/10/08**. Court encourages petitioner to seek legal counsel to complete the duties of a personal representative.

**Continued from 10/22/08. No appearance. Clerk mailed notice. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON filing inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal is filed (overdue by 5 months)

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505.

(NMT/gls/kra)

FUTURE HEARING DATES:

3/18/09 Accounting Review



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800021

CASE NAME: ILMA FLORENCE LUKATICH

HEARING:

WAIVER Account and Report of JOY CAROL TEEPLE and Petition for fees

COUNSEL:

JOY CAROL TEEPLE (PET)...PRO/PER  
ILMA FLORENCE LUKATICH (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Waiver of Account and Petition for Final  
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. All residual beneficiaries waive an accounting.
2. Petitioner waives statutory compensation.
3. Petitioner proposes distribution directly from the estate to the beneficiaries of the Trust. Question whether outright distribution to the beneficiaries of the trust have any tax consequences. Need verified supplement.

RECOMMENDATION:

Need to clear note 3. If approved, court to set hearing re filing receipts and final discharge for **12/2/09**.

(kra)

FUTURE HEARING DATES:

5/05/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800159

CASE NAME: GAIL DONNA BROWN

**SEE ALSO 9**

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
TIMOTHY BROWN (PET)...CAROLYN J SCHAUF.  
GAIL DONNA BROWN (DEC)...

**VACATE HEARING – Final I&A filed**

See notes on following page (matter #9).  
(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800159

CASE NAME: GAIL DONNA BROWN

**SEE ALSO 8**

HEARING:  
FIRST AND FINAL Account and Report of TIMOTHY BROWN and Petition for fees

COUNSEL:  
TIMOTHY BROWN (PET)...CAROLYN J SCHAUF.  
GAIL DONNA BROWN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON 1st & final account and petition for fees and final distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Statutory fees are \$4,762.66. Petitioner waives compensation.

RECOMMENDATION:

RFA. If approved, court to set hearing re filing receipts and final discharge for **12/2/09**.  
(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800161

CASE NAME: RICHARD GILMAN COOK

***VACATED- FINAL I&A W/ SUPPORTING DOCUMENTS FILED.***

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
DOLORES SHINABARGER (PET)...CAROLYN J SCHAUF.  
RICHARD GILMAN COOK (DEC)...

(kra)

FUTURE HEARING DATES:  
7/01/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800187

CASE NAME: ROSA A. STRICKLAND

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
ARMANDO ROJAS (PET)...DARIUS KHAYAT  
ROSA A. STRICKLAND (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 5/8/08, \$179,000 bond.
2. Final inventory filed. However, need account statements confirming date of death balance per Local Rule 20-908.
3. Petitioner alleges the bond is sufficient. However, the total inventory value is \$268,815.93 of which \$260,000 consists of real property. The personal representative and counsel have a duty to apply for an increased bond CRC 7.204. The court may wish to set a review date on the bond sufficiency

#### RECOMMENDATION:

Inquire status. When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.

Clerk to notice bonding company.  
(kra).

FUTURE HEARING DATES:  
7/01/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800201

CASE NAME: RONALD D. MILLER

***VACATED- FINAL I&A FILED.***

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
LEESA SMITH (PET)...BRADLEY  
RONALD D. MILLER (DEC)...  
DEBORAH L MILLER (PET)...RITTER & LE CLERE  
BOND SERVIES OF CALIFORNIA (TP )...PRO/PER

(kra)

FUTURE HEARING DATES:  
7/01/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800227

CASE NAME: MTR OF BEN J VANDER LAAN

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

BELINDA DEE BRIANO (PET)...VARNER & BRANDT, LLP  
BAN J VANDER LAAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 4/23/08, no bond.
2. No inventory filed. Need final I&A.

RECOMMENDATION:

Inquire status. When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.  
(kra).

FUTURE HEARING DATES:

7/01/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800615

CASE NAME: IRENE FRANCES BRADLEY

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

MICHAEL BRADLEY (PET)...SANDY L. TURNER  
IRENE FRANCES BRADLEY (DEC)...

GENERAL INFORMATION

**Continued from 9/3/08 and 10/15/08 at request of counsel.**

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with W/WA full authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First named executor is deceased. Declination to act by alternate executor filed.
2. Need Notice to Petition to Administer and proof of service on Joe Lamberth. **Proof of service filed indicating service was mailed on 10/21/08. However, the date of the notice of hearing is 9/3/08. Need proper notice.**
3. Will waives bond but not as to petitioner. However, petitioner is sole heir. Real and personal property valued at \$301,000. Does court wish to waive bond? Judge to decide. **Minute order 10/15/08 indicates Court will waive bond.**
4. Need to file proof of publication

RECOMMENDATION

Need to clear notes 2 and 4 then Court's determination re bond. As a Final Inventory & Appraisal has been filed, no hearing re I&A need be set. If approved, set hearing re accounting/status review for 12/23/09. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.  
(cbr/kra)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800801

CASE NAME: HELEN HENNESSY TRUST

HEARING:

Petition for DETERMINATION OF ENTITLEMENT TO ESTATE DISTRIBUTION

COUNSEL:

HELEN HENNESSY (PET)...CALDWELL, KENNEDY & PORTER, A.

GENERAL INFORMATION:

**Continued from 10/15/08 at request of counsel.**

THIS CASE IS SET FOR HEARING ON

Petition to determine entitlement to trust estate distribution.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that trustor left a 1985 codicil to her will that created a testamentary trust (see copy tabbed in file), that decedent died in 1999, that the trust is now administered for the benefit of decedent's surviving spouse (per the terms of the trust), but that there is uncertainty regarding the meaning of the term "descendants" as used in the trust instrument. Specifically, petitioner notes that the trust provides income for the surviving spouse, then upon termination of the trust, for distribution "To the descendants of [trustor/decedent]." Petitioner alleges that it is unclear whether the "descendant" beneficiaries would include only decedent's children or would more broadly include grandchildren who have been born since the trust was created.
2. Petitioner cites generic definitions for the term "descendants" as found in dictionaries, etc. However, petitioner does not address Section F-3 of decedent's trust instrument (see p. 7 of the tabbed document) which defines the term "descendants" for purposes of the trust: "Descendants. 'Descendants' shall mean the legitimate children of the person designated and the legitimate lineal descendants of such children .... Except for discretionary distributions which may be made unequally among a group of beneficiaries, whenever distribution is to be made to the descendants of any person, the property to be

*distributed shall be divided into as many shares as there are living children of the person and deceased children of the person who left descendants who are then living. Each living child shall take one share and the share of each deceased child shall be divided among his then living descendants in the same manner.”* (Emphasis added.) Therefore, the plain face of the trust instrument specifies that distribution shall only be to trustor’s children and the issue of any deceased child who would take a share in the place of the deceased child. There appears to be no uncertainty that gave rise to this petition. Minimally, if petitioner is proceeding, need a verified supplement and/or P&As addressing this section of the trust instrument.

3. Petitioner presents only the codicil to decedent’s will and not the will itself. Decedent’s will (which would include both the will and codicil) cannot be conclusively interpreted without both documents. Need verified supplement providing the will that was modified by the offered codicil.
4. The offered codicil is not self-proving under California law because the witnesses did not sign under penalty of perjury. The codicil was executed in Texas. If the court is to give legal effect to this document, suggest that it require proof of subscribing witness or P&As establishing that the codicil was valid under Texas law when executed. (The same would apply to the underlying will when provided by petitioner.)
5. Trustor’s grandchildren who would be affected by this petition appear to have been served in a combined mailing to their home with an address including their parents (as opposed to the required individual mailing to the child and parent/guardian). Moreover, it does not appear that the minors have counsel or a GAL. Suggest court inquire re protection of the minors’ interests.

#### RECOMMENDATION

Need to clear notes.

**Abs\***

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800929

CASE NAME: GARNET WILLIAM GRIER

HEARING:  
Petition to determine succession to Real Property

COUNSEL:  
NANCY L WILLIAMS (PET)...RIPLEY & ASSOCIATES  
GARNET WILLIAM GRIER (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to determine succession to real property  
(estate \$100,000 or less)

#### THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner has filed a petition to determine succession to real property in an estate where there is no real property. The property proposed for determination is a Note of Deed of Trust and not real property. While this procedure can include personal property it cannot be applied to an estate containing only personal property. See Pr.C. §13151.

RECOMMENDATION:  
Deny petition without prejudice.  
(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800933

CASE NAME: JACK CARTER DUNLAP

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority  
under IAEA.

COUNSEL:

CHRISTINA DOLORES QUIJADA (PET)...E LAWRENCE BROCK  
JACK CARTER DUNLAP (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with full  
authority under the Independent Administration of Estates Act, \$120,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests bond of \$120,000. Bond appears adequate.
2. Need to file Proof of Publication.

RECOMMENDATION Need to clear notes. If approved, need to set Inventory and  
Appraisal Review Hearing for 7/8/09 and Accounting Review for **2/3/10**. Accounting to be  
filed 30 days prior. Note Local Rule 20-908 re filing of bank/investment statements.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800945

CASE NAME: DENNIS JAMES FOOSE

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

DOUG BREUER (PET)...SHIELDS, HANNA & HAYTON  
DENNIS JAMES FOOSE (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of publication.
2. All heirs nominate petitioner and waive bond.

#### RECOMMENDATION:

RFA subject to note 1, no bond. If approved, set future hearings for filing of Inventory & Appraisal on **7/8/09** and for Accounting Review on **2/3/10**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: PROPS0800949

CASE NAME: MTR OF JAMES T YOUNG

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JEFFERSON THOMAS YOUNG (PET)...GOOD WILDMAN HEGNESS & WALLEY  
JAMES T YOUNG (DEC)...

GENERAL INFORMATION

Ex-parte orders re Special Administration granted with bond of \$100,000. Letters have not yet issued.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of publication.
2. Need notice of Petition to Administer Estate and proof of service.
3. All heirs nominate petitioner and waive bond.

RECOMMENDATION:

RFA subject to notes 1 & 2, no bond. If approved, set future hearings for filing of Inventory & Appraisal on **7/8/09** and for Accounting Review on **2/3/10**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

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DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: VPRVS002617

CASE NAME: ESTATE OF JAMES A DAUGHTERS SR

HEARING:

FOURTH Account and Report of WILBUR E DAUGHTERS JR and Petition for fees

COUNSEL:

DEBORAH S DAUGHTERS (PET)...ROBERTA L TAYLOR  
JAMES ARTHUR DAUGHTERS SR (DEC)...  
WILBUR E DAUGHTERS JR (PET)...MARVIN B OSBAND  
FRANCINE A VASQUEZ (TP )...MARVIN B OSBAND  
CAROLYN J SCHAUF (CAROLYN J SCHAUF. )...CAROLYN J

GENERAL INFORMATION:

**Continued from 8/27/08 Court reduced bond to \$45,000. All proceeds from sale are ordered to be placed into a blocked account. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON

Fourth account current and for reduction of bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 7/28/05.
2. Accounting period 1/15/07 to 7/15/08.
3. Petitioner reports that unimproved real property must be sold.
4. Petitioner requests a reduction of bond from the current 4256,000 to \$45,000 based upon \$43,476.68 cash on hand and \$800 annual income. (Limited IAEA authority was granted per paragraph 5 of the current accounting and therefore the land value need not be bonded.) **Objection to bond reduction filed by Deborah Daughters on the basis that the value of real property is being removed from the bond amount. Alternatively, respondent requests that the court reduce bond to \$45,000 but require any proceeds of sale be placed in a blocked account.** Under Limited IAEA powers, sales of real property will need to be approved by the court and the requirement of any additional bond to protect the proceeds or to require proceeds to a blocked account is imposed at that time. JTD.

5. Petitioner requests an additional three months to administer the estate. If there are no offers on the property then three months will be insufficient.

#### RECOMMENDATION

Court's discretion (including bond reduction). If approved, set next accounting review for 9/2/09.

(Abs/kra)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: VPRVS002893

CASE NAME: ESTATE OF ANN E LUNA

HEARING:  
Readiness Calendar

COUNSEL:  
REGINA M BADILLO (PET)...CHARLES P BROWN  
ANN E LUNA (DEC)...  
BARRY ESKIN (PET)...PRO/PER  
STEPHEN CHRISTOPHER LUNA (OBJ)...CHARLES D RICHMOND ESQ  
ALMA CARPENTER (CHARLES P BROWN)...CHARLES P  
CHARLES P BROWN ESQ ( )...

No calendar notes as this is on for Readiness Calendar.

FUTURE HEARING DATES:

12/01/08 Court Trial set for Petition for Probate of Regina M Badillo  
12/01/08 Hearing Re: Objections to I&A  
12/01/08 FIRST Account and Report of Stephen Christopher Luna  
12/01/08 SECOND Account and Report of Stephen Christopher Luna  
12/01/08 Petition for Preliminary Distribution

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: VPRVS003009

CASE NAME: ESTATE OF DOROTHY JANE FRICK

HEARING:  
Hearing re Final Discharge

COUNSEL:  
SALLY THOMAS (PET)...JOSEPH R BROWN  
DOROTHY JANE FRICK (DEC)...

GENERAL INFORMATION:

**Continued from 10/15/08. No appearance. Clerk mailed notice. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The final distribution order was entered on 11/28/07.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

(Abs/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E1  
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CASE #: VPRVS003179

CASE NAME: ESTATE OF CHARLES ROY PIPER

HEARING:  
Hearing re Final Discharge

COUNSEL:  
LYDIA PIPER (PET)...JOHN GUY  
CHARLES ROY PIPER (DEC)...

GENERAL INFORMATION

**Continued from 10/15/08. No appearance. Clerk mailed notice. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Hearing re final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The final distribution order was entered on 11/28/07.
2. Need receipts and petition for final discharge.

RECOMMENDATION

When receipts or final discharge order are not filed as ordered, the court may set a hearing in accord with Pr.C. § 8505.

(Abs/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

**CONSERVATORSHIP**

-----  
DATE: 11/26/08 TIME: 10:30 DEPT: E1  
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CASE #: BC BS00075

CASE NAME: MICHELLE LEE

HEARING:

Hearing Re: Status/ Confirmation of Counsel

COUNSEL:

CHARLES R.H. LEE	(PET)...PRO/PER
SHAWNA M LEE	(PET)...PRO/PER
MICHELLE LEE	(CEP)...SHERRI L KASTILAHN

GENERAL INFORMATION:

**Continued from 10/8/08 as counsel is meeting with client next week. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Hearing re status / confirmation of counsel.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatee's counsel was relieved on 8/27/08 per a motion to be relieved as counsel. Atty Sherri Kastilahn was appointed as new counsel for conservatee and this review date was set.

RECOMMENDATION

None.

(Abs/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 11/26/08 TIME: 10:30 DEPT: E1  
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CASE #: CONPS0700297

CASE NAME: MINA ALICE GLASSBURN

HEARING:

FIRST AND FINAL Account and Report of MARLENA COLLINS and Petition for fees

COUNSEL:

MARLENA COLLINS (CPE)...RIPLEY & ASSOCIATES  
MINA ALICE GLASSBURN (CEP)...JANET M HERRING

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was appointed temporary conservator of the person and estate on 12/27/07. For health reasons, a different successor temporary conservator was appointed on 5/6/08. Conservatee passed away on 5/25/08.
2. Accounting period 12/27/07 to 5/6/08 (4 ½ months).
3. Assets on hand \$40,000 (real property).
4. No I&A was ever filed on the basis that permanent letters never issued. Per Pr.C. 2255, an I&A must be filed within 90 days of appointment of a temporary conservator unless the accounting is filed within those 90 days. Here, the accounting was filed on 10/17/08, over nine months after appointment. It therefore appears that an I&A must be filed even though there has been a final accounting. On the other hand, the only starting asset was one \$40,000 real property and that is the asset now remaining. JTD.
5. Petitioner does not propose any distribution of remaining assets on hand (\$40,000 Idaho real property). Schedule E indicates that the property was jointly owned with conservatee's husband but it is not established that the property will automatically pass to the husband per the form of ownership. Need verified supplement.
6. Petitioner appears to be asserting that a final accounting by the successor conservator is not necessary on the basis that it was for only a few weeks, no

assets were spent, and Social Security funds received after conservatee's death were returned. (See paragraph 3 of accounting and supporting declaration of successor temporary conservatee, Lois Merritt, attached to the accounting.) JTD.

7. The accounting shows Social Security receipts (Schedule A) and disbursements for living expenses (Schedule C). Concerns (need verified supplement):
  - a. There are no bank accounts listed or statements provided. How were funds received and disbursed without bank account(s)? And if there were accounts, need same reflected in the accounting and copies of bank statements.
  - b. The disbursements (Schedule C) simply state a lump sum \$108/mo (matching the Social Security income) for "Monthly Living Expenses, incl. rent." This is insufficient because individual expenditures/disbursements must be listed.
8. Petitioner waives compensation.
9. Atty does not request fees.

#### RECOMMENDATION

Need to clear notes.

abs

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 11/26/08 TIME: 10:30 DEPT: E1  
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CASE #: CONPS0800265

CASE NAME: MARISA NICOLE SILVA

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
MICHAEL AMTHONY SILVA (CPE)...ANTONIO MUNOZ  
MARISA NICOLE SILVA (CEP)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for conservatorship, person and estate by spouse

#### THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests no bond as conservatee's assets are held as community property with the assets of proposed conservator. JTD
2. Medical powers sought. Need a Medical Capacity declaration.
3. Section 11 re relatives within the 2<sup>nd</sup> degree is incomplete. Need verified supplement.
4. Need return of Citation.
5. Need Court Investigator report.

#### RECOMMENDATION:

If approved, set hearing for Compliance Review for **7/6/09** for the filing of the following: proof of service of Order with Notification of Conservatee's rights per Pr.C.§1830(c); and Care Plan if applicable per Pr.C.§2352.5.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 11/26/08 TIME: 10:30 DEPT: E1  
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CASE #: CONPS0800267

CASE NAME: LOUISE FREEMAN

HEARING:  
Petition for Appointment of Conservator

	COUNSEL:
GORDON HENDRY	(CPE)...EDWARD B FISCHER & ASSOCIATES
PATSY J HENDRY	(CPE)...EDWARD B FISCHER & ASSOCIATES
LOUISE FREEMAN	(CEP)...

No file available for review.



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

-----  
DATE: 11/26/08 TIME: 10:30 DEPT: E1  
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CASE #: RC RS00316

CASE NAME: KELLY DIANE LUJAN

HEARING:  
FIRST Account and Report of ERIC RUIZ and Petition for fees

	COUNSEL:
LUCAS MITCHELL	(PET)...MITCHELL I ROTH
KELLY DIANE LUJAN	(PCE)...DONNASUE SMITH-ORTIZ
ERIC RUIZ	(PET)...LAYNE A BARTHOLOMEW

No file available for review.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **PROBATE**

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0700160

CASE NAME: GLADYS JEWEL FRAZIER BANKS

HEARING:  
PTN FOR FINAL DISTRIBUTION ON WAIVER OF Account and Report of  
LLOYD D BANKS and Petition for allowance of fees filed.

COUNSEL:  
LLOYD D BANKS (PET)...PRO/PER  
GLADYS JEWEL FRAZIER BANKS (DEC)...

GENERAL INFORMATION:  
**Continued from 10/22/08. Petitioner may appear by court-call. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON Petition for Waiver of Account and Final  
Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Both residual heirs have waived an accounting.
2. Petitioner waives statutory compensation.
3. The petition is not verified per Pr.C. §1021. Need verification.

RECOMMENDATION:  
RFA subject to note 3. If approved, court to set hearing on filing receipts and final  
discharge for 10/28/09.  
(gls/kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0700764

CASE NAME: MARGARET P.E. FIERRO

HEARING:  
Accounting Review

COUNSEL:  
ANGELA D NEWMAN (PET)...HORSPPOOL & PARKER  
MARGARET P.E. FIERRO (DEC)...  
DEPT OF HEALTH CARE SERVICES (TP )...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 9/17/07, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0700778

CASE NAME: REBECCA YVONNE BEACH

HEARING:  
Accounting Review

COUNSEL:  
KEVIN BEACH (PET)...GREGORY L ZUMBRUNN  
REBECCA YVONNE BEACH (DEC)...  
DEPARTMENT OF HEALTH CARE SERV(TP )...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 9/19/07, no bond.
2. No accounting or status report of administration filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0701138

CASE NAME: MARTHA A JENKINS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

WILLIE JENKINS	(PET)...APEX LEGAL CORPORATION
ODELIA JENKINS	(PET)...APEX LEGAL CORPORATION
CLARK JENKINS	(PET)...APEX LEGAL CORPORATION
MARTHA A JENKINS	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 5/1/08, no bond.
2. No inventory filed. Need final I&A.

RECOMMENDATION:

Inquire status. When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.

(kra).

FUTURE HEARING DATES:

7/01/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800030

CASE NAME: GILLMANN FAMILY TRUST

**SEE ALSO 6 & 7**

HEARING:

Order to Show Cause re: REMOVAL filed by DONNA HANEY.

COUNSEL:

DONNA HANEY	(STE)...PORTER SIMON, P.C.
JOHN GILLMANN	(PRO/PER)...PRO/PER
W.A. HLAVATY	(C.L. FARRELL)...C.L. FARR

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON OSC re Removal of John Gillman as trustee

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set at the time set for hearing re Status conference on 10/8/08. Court notes that Mr. Gillmann's powers were previously suspended but he was not removed as trustee. (see probate notes of 6/11/08) Court sets matter for OSC re: Removal of John Gillman and Mr. Gillman is directed to file any objections to his removal and file his accounting no later than 10/27/08 (covering period through 9/30/08). Appointment of William Hlavaty as Temporary Successor Trustee and suspension of John Gillmann to remain in effect.

RECOMMENDATION:

Court's discretion.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
-----

CASE #: PROPS0800030

CASE NAME: GILLMANN FAMILY TRUST

**SEE ALSO 5 & 7**

HEARING:  
Accounting Review

	COUNSEL:
DONNA HANEY	(STE)...PORTER SIMON, P.C.
JOHN GILLMANN	(PRO/PER )...PRO/PER
W.A. HLAVATY	(C.L. FARRELL )...C.L. FARR

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Court ordered John Gillman to file an accounting.
2. No accounting filed.

RECOMMENDATION:

Inquire status. When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. §11050 et seq.  
Clerk to notice bonding company.  
(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800030

CASE NAME: GILLMANN FAMILY TRUST

**SEE ALSO 5 & 6**

HEARING:

Ex parte hearing re: appointment of guardian ad litem

COUNSEL:

DONNA HANEY	(STE)...PORTER SIMON, P.C.
JOHN GILLMANN	(PRO/PER )...PRO/PER
W.A. HLAVATY	(C.L. FARRELL )...C.L. FARR

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Appointment of Guardian Ad Litem

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner, Donna Haney seeks appointment of Donna Ragsdale as guardian ad litem of minor, Nicole Gillmann. Proposed guardian ad litem is the minor's grandmother.
2. Petitioner alleges minor is a beneficiary of the Gillmann Family Trust and seeks appointment of guardian ad litem for minor for the purposes of obtaining minor's consent to remove John Gillmann as trustee and appointment of a successor trustee.

RECOMMENDATION:

Court's discretion.

(kra)



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800188

CASE NAME: WILBUR L. HORSTMAN

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
STEVEN TAYLOR (PET)...LENA GHIANNI  
SALLY TAYLOR (PET)...LENA GHIANNI  
WILBUR L. HORSTMAN (DEC)...

**VACATE HEARING – Final I&A filed.**  
(kra)

FUTURE HEARING DATES:  
7/01/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800192

CASE NAME: JOHN E. FIGUEIREDO

***VACATED- FINAL I&A FILED.***

HEARING:  
Hearing re: Inventory and appraisal

COUNSEL:  
JOHN M. FIGUEIREDO (PET)...GREGORY L ZUMBRUNN  
JOHN E. FIGUEIREDO (DEC)...

(kra)

FUTURE HEARING DATES:  
7/01/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800224

CASE NAME: RICHARD LEE ROSES

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

CANDY MAE ROSES (PET)...MAUREEN MURATORE  
RICHARD LEE ROSES (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON inventory & appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Letters issued 5/16/08, \$20,000 bond.
2. No inventory filed. Need final I&A.

RECOMMENDATION:

Inquire status. When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. §8804 and/or 8505.

Clerk to notice bonding company.

(kra).

FUTURE HEARING DATES:

7/01/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800626

CASE NAME: MTR OF HAROLD ROBERT SCOTT

HEARING:  
Hearing Re: CONFIRM SETTLEMENT

COUNSEL:  
MARC SCOTT (PET)...SUSAN E CLARK  
MARGARET S FRAZEY (TEE)...GREGORY L ZUMBRUNN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Confirmation of Settlement

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Matter set at the time set for hearing re mandatory settlement conference re Petition to Establish Trust on 10/20/08 as a settlement was reached.
2. Nothing new filed.

RECOMMENDATION:  
None.

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800926

CASE NAME: JOSE C MATANANE

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

JANICE C BROWN (PET)...CALDWELL, KENNEDY & PORTER, A.  
JOSE C MATANANE (DEC)...

GENERAL INFORMATION

Letters of Special Administration issued 10/22/08.

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA, by daughter

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Need proof of publication.
2. All heirs nominate petitioner and waive bond.

RECOMMENDATION:

RFA subject to note 1, no bond. If approved, set future hearings for Status Review on **2/8/10**. Any accounting to be filed 30 days in advance. Note requirements of local rule 20-908.

(kra)

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800932

CASE NAME: ELVIRA GARCIA DE LA CADENA

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority  
under IAEA.

COUNSEL:

AZAREEL OGURA (PET)...E LAWRENCE BROCK  
ELVIRA GARCIA DE LA CADENA (DEC)...

No file available for review.

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800938

CASE NAME: LIZZIE MAY STARBUCK

HEARING:

Petition to determine succession to Real Property

COUNSEL:

GEORGE T. FINKLE JR.	(PET)...R. ROY FINKLE
BETHANNE V FUNK	(PET)...R. ROY FINKLE
REYNOLD ROY FINKLE	(PET)...R. ROY FINKLE
LIZZIE MAY STARBUCK	(DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died in 1941 as a San Bernardino county resident while owning the subject Orange County real property.
2. Petitioner alleges that decedent died intestate leaving issue, that the issue have since deceased, that other family members variously paid the property taxes and transferred the property to other family members, and that the current petitioners are now in-line to receive the property 9which is still title in decedent's name). This does not appear to be a proper Petition to Determine Succession to real property and that the estate may need to be probated (the succession is not based upon intestate or testate succession but instead upon claims of multiple generations of payments of taxes and based upon transfers). Need P&As supporting ability to claim property via this petition.
3. I&A filed indicating \$35,000 real property value but the date of death is not completed. It is therefore not clear whether the valuation is as of the 1941 date of death or current value.
4. Need notice of hearing and proof of service.

#### RECOMMENDATION

Need to clear notes.

abs

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800942

CASE NAME: CHARLOTTE SARAH YALE

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With  
Full Authority Under IAEA..

COUNSEL:

DAVID HANSEN (PET)...RITTER & LE CLERE  
CHARLOTTE SARAH YALE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer and proof of service.
3. Will waives bond.
4. Will conditionally incorporates the terms of decedent's trust. Need photocopy of trust instrument as part of the documents to be probated. Also need listing of additional people at section 8 and notice to same.

RECOMMENDATION

Need to clear notes.

abs



CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800944

CASE NAME: DONALD A. MOUNT

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With  
Full Authority Under IAEA..

COUNSEL:

CYNTHIA RAMIREZ	(PET)...	PHYLLIS M GALLAGHER
DONALD A. MOUNT	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer and proof of service.
3. Will waives bond.
4. Counsel has filed a declaration stating that the original will cannot be found but that a copy has been filed. Concerns:
  - a. This is not identified as a petition to probate lost will.
  - b. When a will is lost, and was last in the testator's possession, it is presumed that the testator destroyed the will with the intent to revoke it. Pr. C. 6124. This presumption affects the burden of producing evidence and unless petitioner can overcome the presumption, no valid will exists.

RECOMMENDATION

Need to clear notes.

abs

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

-----  
DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800952

CASE NAME: GEORGE NORMAN SCHUYLER

HEARING:  
Petition to determine succession to Real Property

COUNSEL:  
ANTHONY PINO (PET)...GREGORY L ZUMBRUNN  
JOY HARMON (PET)...GREGORY L ZUMBRUNN  
GEORGE NORMAN SCHUYLER (DEC)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Petition to determine succession to real property.

#### THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent died testate and a resident of New Jersey in 2006 leaving real property in this county.
2. Petitioners seek succession of the real property per decedent's will.
3. I&A filed indicating \$37,500 real property value.

#### RECOMMENDATION

RFA. If approved, no future dates need be set.

abs

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: PROPS0800954

CASE NAME: HOWARD A. MILLIS

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority  
under IAEA.

COUNSEL:

KURT E. MILLIS (PET)...LAYNE A BARTHOLOMEW  
HOWARD A. MILLIS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer and proof of service.
3. Petitioner requests \$100,000 bond based upon estate value of \$100,000. Appears ok.

RECOMMENDATION

RFA subject to notes 1 and 2, \$100,000 bond. If approved, set hearing re Inventory & Appraisal for 7/8/09. Set accounting/status review for 2/3/10. Accounting to be filed 30 days prior. Note Local Rule re filing of bank/investment statements.

abs

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 9:00 DEPT: E2  
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CASE #: VPRVS002610

CASE NAME: MTR OF THE ADAMS FAMILY TRUST

HEARING:  
Accounting Review

COUNSEL:

JUNE BEVIS JARAMILLO	(PET)...	JAMES BRUCE MINTON
MARION BEVIS	(PET)...	ZUMBRUNN LAW CORPORATION
GORDON BEVIS	(OBJ)...	ZUMBRUNN LAW CORPORATION
MARION BEVIS	(ZUMBRUNN LAW CORPORATION	)...ZUMBRUNN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First trust accounting was approved on 1/10/08.
2. Need second accounting for period 10/1/07 to 9/30/08.

RECOMMENDATION

When the trustee fails to file and accounting as ordered, the court may take the action specified in Pr.C. § 800 and CCP § 128.

abs

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

**CONSERVATORSHIP**

-----  
DATE: 11/26/08 TIME: 10:30 DEPT: E2  
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CASE #: CONPS0700138

CASE NAME: ALDEE MORRISON

HEARING:  
Accounting Review

COUNSEL:  
CHARLES BISHOP (CPE)...ELISABETH KEMPE-OLINGER  
ALDEE MORRISON (CEP)...BRYAN C. HARTNELL

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Accounting review.

#### THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of the person and estate was granted on 9/17/07, \$20,000 bond.
2. Need accounting.
3. Court to notice bonding company.

#### RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

abs

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 10:30 DEPT: E2  
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CASE #: CONPS0800264

CASE NAME: TERYL R NAFZGAR

HEARING:  
Petition for Appointment of Conservator

COUNSEL:  
DAN NAFZGAR (CPE)...HORSPOOL & PARKER  
TERYL R NAFZGAR (CEP)...

GENERAL INFORMATION

Temporary conservatorship of the person and estate was granted on 10/21/08, \$50,000 bond.

THIS CASE IS SET FOR HEARING ON  
Petition for conservatorship, person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests \$50,000 bond based upon bondable estate of \$44,500. Appears ok.
2. Petitioner requests medical powers. Medical capacity declaration filed.
3. Petitioner requests dementia powers (placements and meds). Dementia attachment to medical capacity declaration filed.
4. Proposed conservatee signed nomination of petitioner (tabbed in file).
5. Need appointment of counsel (dementia) and report of same.
6. Need CI report.
7. Return of citation filed. Need attendance of proposed conservatee or basis for nonappearance.

RECOMMENDATION

Need to clear notes.

abs

CIVCAL4 Superior Court - Redlands - Probate  
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

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DATE: 11/26/08 TIME: 10:30 DEPT: E2  
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CASE #: VC VS00296

CASE NAME: MATTER OF CANDACE JILL LAROCCO

HEARING:  
Accounting Review

COUNSEL:  
VIRGINIA LAROCCO (PET)...PRO/PER  
CANDACE JILL LAROCCO (CEP)...

#### GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON  
Accounting review.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Ex parte petition to dispense with accounting was granted on 11/22/06 re prior accounting period.
2. Need accounting or next ex parte petition to dispense with accounting for accounting period 9/6/06 to 9/5/08..

#### RECOMMENDATION

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

abs